

Application No.: 09/363,966
Docket No.: 4066

PATENT/OFFICIAL

STATUS OF CLAIMS

Claims 1-117 are pending in the present application. As shown in the Appendix of the Amendment filed on May 16, 2003, Applicants had amended claims 1-4, 11-12, 36, 56, and 70. In the Request for Continued Examination ("RCE") under 37 C.F.R. § 1.114 filed on November 17, 2003, Applicants presented additional claims 72-117. In the Preliminary Amendment of the RCE application, Applicants inadvertently did not correctly reflect minor amendments made to claims 2-4 and 11-12 as shown in the Appendix of the Amendment filed on May 16, 2003. In order to expedite the prosecution, a listing of pending claims that correctly reflects the minor amendments made in the Appendix of the Amendment filed on May 16, 2003 is provided above.

REMARKS

The Examiner is thanked for his guidance and comments given to the undersigned in various telephone discussions regarding the issues mentioned below.

In the Office Action dated February 2, 2004 (Paper #35), the Examiner acknowledged the receipt of the RCE application. The Examiner, however, objected to the RCE as "not fully responsive to the prior Office action because the amendment fails to point out the patentable novelty which the applicant believes the claims present in view of the state of the art disclosed by the references cited." (Paper #35, ¶ 1.) The Examiner also objected that claims 72 through 117 "lack any statement pointing out their patentable novelty." (Paper #35, ¶ 1.) These objections are respectfully traversed.

I. The RCE Application

With respect to claims 1-12, 36-47, 56-65 and 70-71, Applicants fully responded to the Office Action dated December 17, 2002 by filing the Amendment on May 16, 2003. Although

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this Amendment was not entered (see Advisory Action dated June 2, 2003), the Amendment satisfies the requirements for filing an RCB. The MPEP explicitly states that "a previously filed amendment after final (whether or not entered) may satisfy this [RCE] submission requirement." (See MPEP, 8th ed., Rev. 1, Feb. 2003, Sec. 706.07(h), II, the last sentence of the first paragraph, pp. 700-84).

II CLAIMS 72-117

With respect to newly introduced claims 72-117, among the relevant rules mentioned by the Examiner in the aforementioned telephone conversations were 37 CFR §1.111, §1.114 and MPEP 706.07 (h) VI. Of those, only 37 CFR §1.111(b) requires that the "reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references." In full compliance with this requirement, Applicants submit that claims 72-117 are believe to be patentable because the combination of features recited in each of the claims is not described in the applied references, wherein applicants further submit that "applied references" mean references explicitly cited by the examiner in rejecting claims¹. For instance, claim 72 requires the acts of:

- a) developing and installing control software for automating the factory;
- b) modeling tools and manufacturing processes of the factory;
- c) generating a plan to manufacture one or more semiconductor devices;
- d) controlling, tracking and monitoring manufacture of the semiconductor devices according to the plan;

¹ See, e.g. MPEP, 8th ed., Rev. 1, Feb. 2003, Sec. 715.02, pp. 700-226. The term "applied references" is used as in "a combination of applied references." In others word, the "applied references" are references that are used in rejecting claims. In general, Applicants note that the discussion surrounding the term in Sec. 715.02 is made in the context of overcoming a rejection.

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e) analyzing manufacturing results, wherein at least one of acts a), b) and c) is modified based on the results; and

f) constructing one or more framework components configured to allow a user to conduct acts a)-e).

The combination of acts a)-f) is not described in the applied references, for essentially at least some of the same reasons that certain analogous features found in claims 1-12, 36-47, 56-65, and 70-71 were not described in the applied references, as indicated by the Amendment of May 16, 2003. In particular, Applicants believe that the Tan patent does not describe, among other acts, performing the recited act of modeling tools (i.e., more than one tool) and manufacturing processes of the factory.

CONCLUSION

The Examiner is respectfully requested to withdraw the objections to the submission of the RCE and newly presented claims, and that the pending claims be favorably examined.

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AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment, or credit any overpayment to deposit account no. 08-0219.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to deposit account no. 08-0219.

Respectfully submitted,
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